

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHELSEY GOSSE, *on her own behalf*)
and on behalf of other persons similarly)
situated,) Case No. 3:20-cv-01446-RDM
Plaintiff,) Hon. Robert D. Mariani
v.) Electronically Filed
TRANSWORLD SYSTEMS, INC.; U.S.)
BANK, NA.; RATCHFORD LAW)
GROUP, P.C.; NATIONAL)
COLLEGIATE STUDENT LOAN)
TRUST 2007-3,)
Defendants.)

U.S. BANK NATIONAL ASSOCIATION'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant U.S. Bank National Association (“U.S. Bank”) hereby moves to dismiss Count III of Plaintiff Chelsey Gosse’s Complaint. Count III is the only Count Plaintiff asserts against U.S. Bank. As set forth in the memorandum to be filed within the time prescribed by Middle District Local Rule 7.5, Plaintiff has not and cannot state a cognizable claim against U.S. Bank for violation of the Unfair Trade Practices Consumer Protection Law (“UTPCPL”) because Plaintiff cannot identify any conduct or representation by U.S. Bank on which she could have justifiably relied, nor can she

allege that she suffered any ascertainable loss as a result. To the extent relevant, Plaintiff also cannot plead that U.S. Bank may be vicariously liable under the UTPCPL for the alleged misconduct of any other party.

U.S. Bank respectfully requests that the Court enter the attached Proposed Order dismissing Plaintiff's Complaint as to U.S. Bank with prejudice.

Dated: October 26, 2020

Respectfully submitted,

/s/ Kelly M. Locher
Kelly M. Locher (Pa. 322400)
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
Phone: (412) 394-7937
Fax: (412) 394-7959
Email: klocher@jonesday.com

/s/ Albert J. Rota
Albert J. Rota (admitted *pro hac vice*)
JONES DAY
2727 North Harwood St.
Dallas, TX 75201
Telephone: 214.969.3698
ajrota@jonesday.com

Counsel for Defendant U.S. Bank, N.A.

RULE 7.1 CERTIFICATION

Pursuant to Middle District Local Rule 7.1, the undersigned hereby certifies that she sought the Plaintiff's and Co-Defendants' concurrence on the instant motion. Plaintiff's counsel did not concur.

/s/ Kelly M. Locher
Kelly M. Locher

Counsel for Defendant U.S. Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2020, I filed the foregoing with the Clerk of the United States District Court using the CM/ECF system, which will send notification electronically to all counsel of record.

/s/ Kelly M. Locher
Kelly M. Locher

Counsel for Defendant U.S. Bank, N.A.